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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,086	01/25/2002	Bret H. Ashton	T6898	1431

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PO BOX 1909
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EXAMINER

LEE, JONG SUK

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,086

Applicant(s)

ASHTON ET AL.

Examiner

Jong-Suk (James) Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,27-40 and 42-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 44-68 is/are allowed.
- 6) ☒ Claim(s) 17-25,27-40,42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The amendment filed June 20, 2003 has been entered.

Drawings

2. The corrected or substitute drawings including additional Figs. 3 and 4 filed on June 24, 2003 have been approved by the examiner. These drawings are formal and acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 17, 18, 21-23, 27, 29-33, 36-39 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Fawley (US 2002/0095905 A1).

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Fawley discloses a reinforced wood pole comprising of: a non-hollow elongate shaft/wood pole (11) having a length of at least 10 feet long as a electric pole and an exterior surface extending along the length, a composite wrapping (12), having a plurality of strips (26-28) of high strength filaments (48), encircling the exterior surface along at least a portion of the length and forming a layer of uniform thickness and materials and a single, seamless layer, wherein the composite wrapping applying a radial compressive force upon the elongate shaft (pg.4, paragraph no. 0040) and being bonded to the elongate shaft with curable resins (see pg.4, paragraph no. 0034) to increase the stiffness and/or reinforcement of the wood pole, the stuffiness/strength of the pole increases at least more than 40 % of the bare pole strength (see pg.5, paragraph no. 0044-0048) (see Figs. 1-14; pg.3, paragraph nos. 0029-0032; pg.4, paragraph no. 0033-0040).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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1 made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35
2 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
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4 6. Claims 19, 20, 24, 25, 34, 35 and 40 are rejected under 35 U.S.C. 103(a) as being
5 unpatentable over Fawley in view of Owens et al (US 5,175,973). The teachings of Fawley have
6 been discussed above.

7 However, Fawley fails to disclose or fairly suggest the composite wrapping covering a
8 portion of the wood pole to be buried in the ground and a range of moisture content.

9 Owens et al discloses a compression repair method and apparatus for a wood pole
10 comprising of a wood pole (4) having at least portion of the pole being wrapped around with a
11 fiber glass blanket/mat (3), the wood pole having a moisture content of 19 % for the best
12 condition of the wood piling/pole (see col.9, lines 60-68) and the portion of wrapped with the
13 blanket is partially buried in the ground as depicted in Fig. 1, the fiber glass blanket further
14 comprising of a plurality/multiple-tow bundle of strands/fibers (5-7) running at an angle of 45
15 degrees to 90 degrees for each bundles (see Fig. 2) and a coating of a composite resin (9) (see
16 Figs. 1-3; col.2, lines 39-49; col.4, lines 37-68; col.5, lines 41-58; col.6, lines 5-60; col.7, lines 46-
17 55).

18 Therefore, in view of Owens et al, it would have been obvious to one of the ordinary skill
19 in the art at the time the invention was made to treat the moisture content for the wood pole of
20 Fawley as taught by Owens et al. and to wrap around with the composite wrapping the buried

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1 portion of the pole in order to extend the protection and reinforcement for the pole to the buried
2 portion.

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4 7. Claims 28 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawley,
5 as modified by Owens et al, as applied to claim 27 and 42, respectively, and further in view of
6 Williams et al (S 5,516,236). The teachings of Fawley modified by Owens et al have been
7 discussed above.

8 The teachings of Fawley modified by Owens et al fails to specifically disclose or fairly
9 suggest a mechanical bond to the composite wrapping. Williams et al discloses a timber pile
10 protection system comprising of a composite wrapping (2) bonded to the timber/wood pile (3) by
11 means of a mechanical bond/straps (13) with nails (15) as depicted in Fig. 2 (see Figs. 1-3; col.3,
12 lines 40-67; col.4, lines 1-56).

13 Therefore, in view of Williams et al, it would have been obvious to one of the ordinary
14 skill in the art at the time the invention was made to further modify the composite wrapping of
15 Fawley, as modified by Owens et al, by including the straps with nails in order to enhance the
16 reinforcement of the composite wrapping to the wood piling/pole.

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Response to Arguments

8. Applicant's arguments with respect to claims 17 and 29 have been considered but are moot in view of the new ground(s) of rejection.

9. The arguments with respect to claims 1, 16, 44, 60 and 61 are persuasive and therefore, the art rejection for these independent claims have been withdrawn.

Allowable Subject Matter

10. Claims 1-16 and 44-68 would be allowable over the prior art of record.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references disclose a method of making fabric reinforced concrete columns, a filament wound architectural column and filament wound structural columns for light poles.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The examiner can normally be reached between the hours of 6:30 AM to 3:00 PM Monday thru Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford, can be reached on (703) 308-2978. The fax phone number for this Group is (703) 305-3597.

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Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 308-2168.

J. Lee /jjl
August 18, 2003



Jong-Suk (James) Lee
Patent Examiner
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